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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,767	04/12/2002	Steven Paul Jolliffe	4838 WG-1	1451

7590 03/23/2005  
Douglas W Swartz  
1560 Broadway Suite 1200  
Denver, CO 80202-5141

EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,767	JOLLIFFE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M Hotaling II	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some \*    c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirritano et al US Patent 6,620,057 in view of Borion US Patent 6,021,949. Pirritano et al (hereinafter Pir) discloses a system for locating golf balls using an RF transmitter/receiver. See figures 1 through 5 and the relative portions of the specification column 5 where it states that Referring to FIG. 1, the movable object location system of the present invention has particular application as a golf ball location system including a portable, hand held, radio frequency transmitter/receiver 10, and a golf ball of unique design 30. The transmitter/receiver includes generally, a single housing which houses, a battery pack 16, a high gain helical antenna 20, and as shown in FIG. 11, a transmitter circuit 100, and a receiver circuit 200. Referring to FIG. 2, the golf ball includes a core 31, a cover 32 and disposed between the cover and the core is a passive inductor array, generally designated 36. The array includes three passive transponders in the form of flat-loop inductors, generally designated 33. The core and the cover are composed of conventional materials well known to those skilled in the art of golf ball manufacture. Referring now to FIGS. 3, 4 and 5, each flat loop inductor 33 is formed as a discontinuous flat loop 40 of generally circular configuration and of

Art Unit: 3713

rectangular cross section. The preferred material for the loop is copper foil, with a thickness  $c$  of 0.0028 inches, which is laminated to a KAPTON substrate. It is to be understood that only the presently preferred configuration for the passive transponder has been described. The transponder is not limited in configuration to a flat circular loop but may be of ellipsoidal or of non-circular configuration. Further, the loop material is not limited to copper but rather may be of gold, silver, aluminum, vapor deposited metal, or of **any other conductive material which is capable of being formed into a thin foil or film**. The substrate also is not limited to KAPTON but may be of any suitable electrical insulating material. Column 11:5-11 discloses In the preferred embodiment the array of flat-loop inductors described above is formed on the surface of a golf ball core. However, it would be equally effective to encapsulate the array within a golf ball core or to form the array on the inner or even the outer surface of the ball jacket. Other manufacturing variations are also possible as will occur to those skilled in the art. Pir lacks the specific location of an RF chip or of the specifics of the construction methods. Instead Pir discloses that other manufacturing variations are also possible as will occur to those skilled in the art and in column 17 Pir discloses that the use of the system could be adapted to other uses such as tracking or locating people or movable objects. This would be adequate motivation to find other such systems which use RF for identification and location of items and to use various manufacturing techniques. In an analogous invention to Borion therein is disclosed a gambling chip with an identification device. Figures 5a and 6a discloses a chip and aerial connected to a diaphragm. It would be obvious to one of ordinary skill in the art using the

motivation provided above to combine the references to incorporated all of the features of a chip and an aerial attached to a diaphragm with various manufacturing methods for use in a golf ball.

***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horchler '730 and little '531 disclose golf balls with identification devices therein.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**

March 18, 2005